IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4162 of 2005

Between:

R. Fairoj Khan S/o. Nahamathulla Khan
R/o. D.No. 5-508, Santhapet,

Chittoor Town and District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Prl. Secretary,
Minorities Welfare (MFC) Department, Secretariat Bldgs, Saifabad,

Hyderabad.
2 The District Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Chittoor, Chittoor District.
4 The Mandal Revenue Officer, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the inaction on the part of the 2nd Respondent without considering the representation made by the petitioner Dt. 19-1-2005 on the other hand appointing Committee Members other than the Panel prepared by the M.R.O. vide ROC E/1204/2004 dt. 13-12-2004 amounts to erroneous, arbitrary and violative of Art. 14,19 and 21 of the Constitution of India and consequently direct the 2nd Respondent to appoint the petitioner and the others as per the Panel prepared by the 4th Respondent vide ROC E/1204/2004 dt. 13-12-2004 for the Management and Maintenance of Urdu Ghar Cum Shadhi Khana, Chittoor forthwith and to pass necessary order or orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondent Nos.1 go 4: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

Declaring the inaction of the 2nd respondent in considering the representation made by the petitioner dated 19.01.2005, and on the other hand, in appointing Committee Members other than the panel prepared by the Mandal Revenue Officer vide ROC E/1204/2004, dated 13.12.2004, as illegal and arbitrary, the present writ petition is filed.

The Mandal Revenue Officer in his proceedings dated 13.12.2004 proposed the names of certain persons including the petitioner as members of the committee for management and maintenance of Urdu-Ghar-cum-Shadikhana, Chittoor, consequent on the expiry of the term of the previous committee on 17.12.2004. The said proposals have been submitted to the District Minorities Welfare Officer, Collectorate, Chittoor. While the said matter is pending, the present proceedings dated 15.01.2005, calling for antecedents of certain persons, have been issued. Questioning the same, the present writ petition is filed.

The learned counsel for the petitioner contended that since the proposal of the Mandal Revenue Officer is pending with the Collector, the Mandal Revenue Officer ought not to have called for antecedents of certain persons in his proceedings dated 15.01.2005 from the Deputy Superintendent of Police, Chittoor.

On the other hand, the learned Government Pleader for Social Welfare contended that the proceedings of the Mandal Revenue Officer dated 13.12.2004 does not confer any right to the petitioner, it is only proposals, that it is for the respondents to take appropriate decision in accordance with law, and there is no violation of law and no right of the petitioner has been infringed so as to call for interference by this Court.

As rightly contended by the learned Government Pleader for Social Welfare, the

proceedings of the Mandal Revenue Officer dated 13.12.2004 is only proposals for nominating the petitioner and some other members for forming a committee for management and maintenance of Urgu-Ghar-cum-Shadikhana, Chittoor. The said proceedings do not confer any right on the petitioner so as to appoint him as a member of the committee. No doubt, the Mandal Revenue Officer in his proceedings dated 15.01.2005 requested the District Superintendent of Police, Chittoor to furnish the antecedents of certain persons, in which list the petitioner's name does not find place. Aggrieved by the same, the present writ petition is filed.

Since no right of the petitioner has been infringed, it is for the respondents to take appropriate decision in accordance with law in nominating the persons for the committee of Urdu-Ghar-cum-Shadikhana. It is not shown that the respondents have violated any of the provisions under which the committee has to be constituted.

Therefore, in the absence of above aspects, the writ petition is devoid of merit, and is accordingly, dismissed. However, the dismissal order does not preclude the respondents in considering the representation of the petitioner in accordance with law.

Dated: 07.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue CC in 2 days

B/O

Dsr

To:

1. The Principal Secretary,

The Government of Andhra Pradesh,

Minorities Welfare (MFC) Department,

Secretariat Buildings, Saifabad, Hyderabad

2. The District Collector, Chittoor

Chittoor District

3. The Revenue Divisional Officer,

Chittoor, Chittoor District

4. The Mandal Revenue Officer,

Chittoor, Chittoor District

5. Two CCs to the Government Pleader

for Social Welfare, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies